REMARKS

Referring to the Examiner's objections to the drawings, the "plurality of projecting side wall ribs" are clearly illustrated in FIG. 4 where they are identified by reference numeral 30 and in FIG. 9 where they are identified by reference numeral 52, and the "continuously curved base" is illustrated clearly in FIG 6, see base wall 48, and in FIG. 9, see the side walls 49.

The Examiner's rejection of claims 6, 12, 13,15-20 and 22-24 under 35 USC §103 (a) for being unpatentable over the Tracy et al. US Patent No. 3,238,682, as this rejection may be attempted to be applied against the amended claims, is respectfully traversed.

In support of this traverse, applicant again points out that the disclosure of the Tracy et al. patent relates to a pre-formed floor tile, and the disclosure of the Montgomery patent relates to a corrugated iron pavement. The disclosures of these patens clearly can in no way be considered relevant to the patentability of applicant's own invention, which relates to the construction of asphalt roads.

Referring to the disclosure of the Tracy et al. patent, it must be noted that the floor tile, which forms the subject matter thereof, is formed of a preformed grid structure that has a rigid settable material filling the cells of the structure. With the material filling the cells being rigid, completely different principles to those involved in relation to the construction of roads apply, road surfaces being formed of deformable asphalt material.

It must be noted also in relation to the Tracy et al. disclosure that the anchoring formations, that are considered the equivalent of the rib formations that form an essential feature of applicant's invention, are described and illustrated as formations that define sharp corners. These could not serve as rib formations within the structure of applicant's invention. The rib formations 30 and 52 disclosed in relation to applicant's invention clearly are continuously curved formations, i.e. formations that do not define any sharp corners and that will ensure

that reflective cracking within the asphalt material forming a road surface will not occur. It is known that movement of asphalt material that forms a road surface does indeed occur and the configuration of the rib formations forming part of the structure of applicant's invention is such that reflective cracking resulting from such movement is avoided. The anchoring formations referred to in the Tracy et al. disclosure will in fact induce reflective cracking.

Still further in relation to the Tracy et al. disclosure, it is submitted by the Examiner that this disclosure teaches a multi-cell structure that has a base wall (21), this base wall in fact being a protective coating that forms a barrier for moisture, termites, or the like (see column 3 lines 37 to 39 of Tracy et al.). This coating clearly is applied following the formation of the floor tile and does not form a part of the multi-cell structure itself. The prior art therefore does not disclose any structure that defines a multi-cell configuration where each cell is associated with a base wall that at least partially blocks one end of the respective cells.

The Examiner's rejection of claims 8-11 and 14 under 35 USC §103 (a) for being unpatentable over the Tracy et al. US Patent No. 3,238,682 and further in view of the Montgomery US Patent No. 23,038, as this rejection may be attempted to be applied against the amended claims, is respectfully traversed.

As previously indicated in the Response to the earlier Office Action, the invention described in the Montgomery disclosure is a pavement which is formed of corrugated iron sheet of which the corrugations have a solid concrete mass formed therein to provide rigidity. This clearly can again in no way be considered relevant to the construction of asphalt roads and insofar as the Examiner relied on this disclosure for teaching a multi-cell structure having tapering cell walls and also a multi-cell structure having cells that are at least partially blocked at one end by a base wall, this clearly is incorrect.

Referring again to applicant's invention, the stabilizing body that forms the subject matter of his invention and which is defined now even more clearly in amended claim 22, provides for the side walls of each cell as defined by the structure to have curved rib formations projecting therefrom into the space defined

by the respective cells. The rib formations clearly are continuously curved formations, as opposed to angular formations, so as to avoid reflective cracking within asphalt material that will fill the cells. See page 13, lines 3-5. The continuously curved rib formations fulfill the function of anchoring formations, while they will still accommodate the deformation that will ordinarily occur within the asphalt material filling the cells, as a result of loads acting thereon. It is well known that, particularly at relatively high temperatures, asphalt material as used for roads does in fact deform and move. It is this movement that commonly occurs that will result in reflective cracking occurring if anchoring formations having sharp corners formed part of the individual cells. Such cracking is minimized, if not altogether prevented, with the stabilizing body including a plurality of continuously curved rib formations, as now set forth even more clearly in amended claim 22.

Applicant submits that the amended claims are clear of the art of record for the reasons set forth above and that the application now is in condition for allowance. An early and favorable action to that end is requested.

February 28, 2005

WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500
Date: October 4, 2004

Respectfully submitted,

WELSH & KATZ, LTD.

By:_____
Thomas R. Vigil
Registration No. 24,542